

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN

UNITED STATES OF AMERICA,

Plaintiff,

v.

Case No. 08-CR-129

NORBERT STURDEVANT,

Defendant.

**ORDER DENYING REQUEST FOR TRANSCRIPTS AND
WAIVER OF TRANSCRIPT FEES**

Defendant Norbert Sturdevant, entered a plea of guilty to one count of Forcibly Assaulting, Resisting, Opposing, Impeding, Intimidating, and Interfering with a Law Enforcement Officer in the Performance of his Official Duties and While the Defendant Used a Dangerous Weapon, on June 5, 2008. He was sentenced to ninety-six months imprisonment and the court imposed a three-year term of supervised release. Judgment was entered on September 3, 2008, and defendant has not filed a Notice of Appeal.

On September 29, 2008, Defendant filed a letter requesting the Court provide him transcripts from his initial appearance through sentencing and indicated that he is indigent and requires a waiver of fees for production of those transcripts as well as other costs. He asserts that the transcripts are needed in order to file a post-conviction motion under 28 U.S.C. § 2255.

While transcripts may be needed in order to substantiate the allegations that would support a claim for relief, Sturdevant gives no reason to suggest that transcripts are necessary simply to state

such a claim. In fact, 28 U.S.C. § 753(f) allows an indigent litigant to obtain free transcripts to prosecute a § 2255 action “if the trial judge . . . certifies that the suit . . . is not frivolous and that the transcript is needed to decide the issue presented by the suit.” In this case the Defendant has not filed a § 2255 motion, and this court is, therefore, unable to assess the merit of such petition. Because petitioner provides no basis for finding that the transcript is necessary to decide any issues in this matter, his request for transcript preparation must be denied.

For the above reasons, defendant's letter request that this court provide transcript copies of all court appearances and waive transcript fees is hereby **DENIED**, without prejudice, as premature.

SO ORDERED this 30th day of October, 2008.

s/ William C. Griesbach

WILLIAM C. GRIESBACH
United States District Judge